

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

GARY WATSKY,

Plaintiff,

v.

WILLIAMSON COUNTY, et al.,

Defendants.

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1:21-CV-0374-RP

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Susan Hightower concerning Defendant Mark Luera’s (“Luera”) Motion to Dismiss Plaintiff’s Second Amended Complaint, (Dkt. 42), and Defendant Stephen Deaton’s (“Deaton”) Motion to Dismiss Plaintiff’s Second Amended Complaint, (Dkt. 43). (R&R, Dkt. 49). Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Hightower issued her report and recommendation on June 1, 2023. Deaton timely filed an objection to the report and recommendation. (Dkt. 51).

A party may serve and file specific, written objections to a magistrate judge’s findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Deaton timely objected to portions of the report and recommendation, the Court reviews those portions *de novo*. The Court reviews the rest of the report and recommendation for clear error. Having done so, the Court overrules Deaton’s objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Susan Hightower, (Dkt. 49), is **ADOPTED. IT IS ORDERED** that Defendant Mark Luera's Motion to Dismiss Plaintiff's Second Amended Complaint, (Dkt. 42), is **DENIED**.

IT IS FURTHER ORDERED that Defendant Stephen Deaton's Motion to Dismiss Plaintiff's Second Amended Complaint, (Dkt. 43), is **GRANTED IN PART**. Plaintiff's claims that Deaton is liable as a bystander defendant and for implementing unconstitutional policies and failure to train are **DISMISSED**. Deaton's motion is **DENIED** as to all remaining claims.

SIGNED on July 7, 2023.

A handwritten signature in blue ink, appearing to read 'R. Pitman', is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE